

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456
Civil Action: 01-CV-12257-PBS
Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ROBERT J. SWANSTON, individually and on behalf
of himself and all others similarly situated,
Plaintiff,

v.

TAP PHARMACEUTICAL PRODUCTS, INC., et al.
Defendants.

**PLAINTIFF ROBERT J. SWANSTON'S SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF MOTION FOR REMAND**

Plaintiff respectfully submits this supplemental memorandum in support of his Motion for Remand to supplement his previous briefs, filed earlier this year before the case was transferred to this Court, to address the issues raised by his Motion under the law of this Circuit. As explained below, removal in this case was improper, and plaintiff's Motion should be granted, for both procedural and substantive jurisdictional reasons.

1. All defendants have not timely consented to removal.

This case must be remanded to state court because all defendants did not consent to removal, as required, within thirty days of service. Several of the corporate defendants chose to litigate this case for months before consenting to removal. Defendant G.D. Searle, and ten (10) of the individual

defendants, have never consented to removal. This procedural flaw is fatal to the exercise of federal subject matter jurisdiction over this matter.

The federal removal statute requires that a defendant seeking to remove a state court action to federal court must file a notice of removal within thirty days of receipt of the initial pleading. *See* 28 U.S.C. § 1446(a),(b); *Murphy v. Newell Operating Co.*, 245 F. Supp.2d 316, 318 (D. Mass. 2003). In cases involving multiple defendants, all defendants who have been served must join or assent in the removal petition within thirty days of being served. *Montana v. Abbott Laboratories*, 266 F. Supp.2d 250, 260 (D. Mass. 2003). Failure to follow this 30-day “rule of unanimity” is a procedural defect justifying remand to state court. *Id.*

The 30-day limitation on removal is to be strictly construed. *Murphy*, 245 F.Supp.2d at 318.

Judge Wolf of this Court has explained the two main purposes of this limitation:

First, it is intended to prevent forum shopping based on a “wait-and-see” approach.... In other words, it discourages defendants from removing a case to federal court after partial proceedings in state court have revealed the shortcomings of the state forum.... Second, it is intended to avoid the delay and inefficiency of recommencing a case in federal court after it has already been the subject of substantial state court proceedings.

Karpowicz v. Blue Cross & Blue Shield of Massachusetts, C.A. No. 96-10050-MLW, 1996 WL 528372, at *3 (D. Mass. Aug. 19, 1996) (citations omitted).

Some commentators, however, have argued that it is “unfair” to strictly apply the 30-day rule of unanimity to defendants who are added to a case after the 30-day removal period has begun to run for other earlier-served defendants. *See Brown v. Demco*, 792 F.2d 478, 482 (5th Cir. 1986) (discussing criticism). In such cases, a subsequently-served defendant has no ability to remove the case to federal court if the 30-day period has already run with respect to an earlier-served defendant.

Id. But as the Court of Appeals for the Fifth Circuit explained in *Brown*, any “unfairness” to such defendant pales in comparison to the unfairness to the plaintiff if the 30-day removal clock is set anew with the addition of each defendant:

A defendant who is added to a case in which a co-defendant has failed to seek removal is in no worse position than it would have been if the co-defendant had opposed removal or were domiciled in the same state as the plaintiff. To permit the defendants in this case to obtain removal after they have tested state-court waters for four years would give them a second opportunity to forum-shop and further delay the progress of the suit. The unfairness of this to the plaintiff outweighs the unfairness, if any, to the last-joined defendant. The forum for a suit ought to be settled at some early time in the litigation.

Brown, 792 F.2d at 482.

For these reasons, this Court strictly applies the 30-day limitation to bar removal, even in cases where the removing defendant timely files a removal petition within thirty days of service, but a co-defendant does not provide its consent within thirty days of service. *See, e.g., Montana v. Abbott Laboratories*, 266 F. Supp.2d at 260, 263 (holding that one co-defendant’s tardy attempt to withdraw its objection to removal did not meet requirements of removal statute); *Murphy*, 245 F. Supp.2d at 319 (holding that co-defendant’s failure to consent to removal within thirty days of service on removing defendant rendered later assent ineffective); *Karpowicz*, 1996 WL 628372, at *7 (same).¹ Other district courts in this Circuit have similarly ruled. *See Gorman v. Abbott*

¹ In *Garside v. Osco Drug*, 702 F. Supp. 19, 22 (D. Mass. 1988), Judge Tauro of this Court reached a different result, and denied a motion for remand on the ground that a subsequently served defendant could remove a state court action to federal court, even though its consenting co-defendant was time-barred from doing so. In that case, however, the party seeking remand was the same defendant who had removed the case to federal court. Because this “could be perceived as an effort at forum shopping – a practice that should always be discouraged,” Judge Tauro determined that a denial of remand was “particularly compelling” in that case. *Id.* at 22. In this case, however, plaintiff is seeking remand back to state court, where several defendants litigated for nine months before “consenting” to removal. Thus, defendants might be perceived as forum shopping if remand is denied, rather than granted, in this case.

Laboratories, 629 F. Supp. 1196, 1201-02 (D.R.I. 1986) (holding that failure of original defendant to exercise its right of removal within thirty days of service foreclosed any possibility of removal by subsequently served defendants) (Selya, J.); *Hill v. Phillips, Barratt, Kaiser Engineering*, 586 F. Supp. 944, 946-47 (D. Me. 1984) (same) (Cyr, J.).²

This case was litigated for nine (9) months in Arizona state court against defendants Abbott, TAP, Johnson & Johnson, Ethicon, Indigo, Astra Zeneca, Pharmacia, Monsanto, Bayer, and Alza before those corporate defendants “consented” to removal to federal court. After the initial complaint was filed and served in March 2002, these defendants chose not to remove the case to federal court. Instead, they brought no less than seven (7) motions to dismiss, all of which were fully briefed, argued, and ultimately denied by the state court. *See* Order of the Honorable Edward O. Burke, dated November 25, 2002, attached as Exhibit “A.” After the denial, eight (8) defendants filed Answers to the Complaint.

The state court rendered other decisions adverse to motions brought by defendants, including the denial of a Motion for Summary Judgment by Pharmacia, and the denial of a stay motion filed by all defendants. *See* docket entries of September 30, 2003, attached as Exhibit “B.” Besides bringing motions, these defendants further participated in the state court proceedings by assisting in setting schedules for dismissal motions, class certification briefing³ and discovery. They requested of plaintiff and negotiated a Protective Order regarding confidential documents apart from the one entered in this Court. They have produced documents and witnesses for deposition. They even

² In deciding to follow their interpretation of the 30-day rule of unanimity set forth in *Gorman* and *Hill*, Judge Wolf of this Court noted that both Judge Selya and Judge Cyr are currently members of the Court of Appeals for the First Circuit. *Karpowicz*, 1996 WL 528372, at *4-5.

³ Pursuant to a stipulated scheduling order, plaintiff filed his Motion for Class Certification on December 20, 2002.

petitioned the state court to transfer the case to the newly formed division of the Court dedicated to complex litigation cases, and then participated in several court conferences, convened by the new judge to deal with case management issues. This all came to an abrupt end in early January 2003, when the defendants offered their “consent” to the instant Notice of Removal filed by a subsequently-added defendant, GlaxoSmithKline Corporation (“GSK”).⁴ G.D. Searle, a corporate defendant added to this case at the same time as GSK, and ten (10) of the individual defendants, never filed their consent to removal.

Removal under these circumstances is contrary to the dictates and purposes of the removal statute, and the weight of authority construing that statute. To allow the original defendants to “consent” to removal after testing the state court waters for nine (9) months would create the appearance, at least implicitly, of the acceptance of forum shopping. Presumably, it would also give the defendants an opportunity to re-litigate substantive and procedural issues that already have been resolved in the state court, potentially causing problems for this Court seeking to manage this litigation in a uniform proceeding. The desire to avoid these evils is precisely why the 30-day requirement for unanimity among defendants should be strictly applied in this case, and should be held to bar removal.

Even if this Court were inclined to give each defendant a full thirty days from the time of service to decide whether or not to remove the case, the fact that G.D. Searle and the individual defendants have not filed assents in the nine (9) months since GSK’s January 2003 Notice of

⁴ Although GSK was added as a defendant in January 2003, along with several other corporations, the amendment to the Complaint was accomplished by the consent of all the existing defendants on a timetable to which they agreed.

Removal destroys unanimity. *See Murphy*, 245 F. Supp.2d at 319. Because the procedural requirements for removal have not been met, plaintiff's motion for remand should be granted.

2. There is no federal question in this case sufficient for subject-matter jurisdiction.

Although defendants argue strenuously otherwise, there is no federal question in this case warranting removal. In *Montana v. Abbott Laboratories*, *supra*, and again in *Minnesota v. Pharmacia Corp.*, No. 03-10069-PBS, 2003 WL 21977227 (D. Mass. Aug. 20, 2003), this Court correctly ruled that the mere need to look to federal law to construe the meaning of "average wholesale price" does not generate a federal question sufficient for jurisdiction, where the federal law in question does not provide a private right of action for violation of that federal law. *See Merrell Dow Pharmaceuticals, Inc. v. Thompson*, 478 U.S. 804 (1986). Defendants' assertions otherwise are no different in this case, and are just as unavailing. Because plaintiff alleges no federal claims, but relies solely on state common and statutory law as a basis for recovery, this Court does not have subject matter jurisdiction based on a substantial federal question.

Nor do any of the exceptions to *Merrell Dow* exist in this case. Plaintiff's allegations do not implicate any federal constitutional issues, or federal contracts. *See Minnesota v. Pharmacia Corp.*, 2003 WL 21977227 at *2. This is facially evident from plaintiff's well-pleaded complaint and the fact that, after extensive briefing and argument from both sides, Maricopa County Superior Court Judge Burke ruled that none of plaintiff's claims are pre-empted or otherwise displaced by any federal statutes or regulations. Judge Burke's ruling is the law of this case, at least as to the defendants who were present in the case at that time the rulings were entered. Thus, all of the record evidence and relevant legal authority shows that this case does not implicate any substantial federal question warranting removal to federal court.

CONCLUSION

For the foregoing reasons, and for all the additional reasons set forth in the record, file and pleadings in this matter, including, without limitation, Plaintiff's Motion for Remand, and for Costs and Expenses and Memorandum in Support Thereof filed in the United States District Court for the District of Arizona on January 21, 2003, and Plaintiff's Reply Memorandum of Points and Authorities in Support of Plaintiff's Motion for Remand and in Further Opposition of Defendant's Motion to Stay, filed on February 21, 2003. Plaintiff respectfully requests that this case be remanded back to Maricopa County Superior Court, in order that the parties may proceed with discovery and class certification as ordered by that Court. In addition, because this untimely removal was commenced to circumvent prior adverse rulings by the Arizona state court, and because this has caused unnecessary delay in the adjudication of the claims set forth in plaintiff's well-pleaded complaint, plaintiff respectfully requests that removing defendants be held jointly and severally liable for reimbursement of plaintiff's reasonable fees, costs and expenses incurred in seeking remand of this action.

Respectfully submitted,

Dated: September 30, 2003



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ATTORNEYS FOR PLAINTIFF AND THE CLASS

Q:\DEIRUPRON MASTER\Lapron - AZ - (200204)\Pleading\Supplemental Memo on Remand Motion - KW.wpd

EXHIBIT “A”

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2002-004988

11/25/2002

HON. EDWARD O. BURKE

CLERK OF THE COURT
K. Ballard
Deputy

FILED: 11/27/2002

ROBERT J SWANSTON

HARRY J MILLER III

v.

TAP PHARMACEUTICAL PRODUCTS INC, et al. TIMOTHY BURKE

MARY G PRYOR
RICHARD D RASKIN PRO HAC VICE
SIDLEY AUSTIN BROWN & WOOD
10 S DEARBORN ST
CHICAGO IL 60603
BARRY R SANDERS
WILLIAM J MALEDON
BARRY D HALPERN
RANDALL S PAPETTI

DECISION

The Court, having had (1) Defendant Abbott Laboratories' Motion to Dismiss on Rule 12(B)(1) and 12(B)(6) Grounds, (2) Defendant AstraZeneca Pharmaceuticals, LP's Rule 12(b)(6) Motion to Dismiss, (3) Defendant TAP Pharmaceutical Products, Inc.'s Motion to Dismiss on Rule 12(b)(6) Grounds, (4) Defendant Abbott Laboratories' Motion to Dismiss Plaintiff's Amended Complaint pursuant to Rules 12(b)(6) and 9(b), (5) Defendant Bayer Corporation's and ALZA Corporation's Motion to Stay, or in the Alternative to Dismiss the Amended Complaint, (6) Defendants Johnson & Johnson, Ethicon Endo-Surgery & Indigo Medical, Inc.'s Motion to Dismiss, (7) The individual TAP Defendants' (Alan Mackenzie, Janice M. Swirski, Henry Van Mourick, Donna Tom, Kimberlee Chase and David Guido) Motion to Dismiss for Lack of Personal Jurisdiction, (8) The individual TAP Defendants Motion for a Temporary Stay of Plaintiff's claims, (9) Defendants Pharmacia Corporation, Pharmacia & Upjohn, Inc. and Monsanto Company's Motion to Dismiss or in the Alternative for Summary

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Judgment and (10) Defendants Pharmacia Corporation, Pharmacia & Upjohn, Inc. and Monsanto Company's Motion to Stay under advisement, enters the following decision.

Defendant Abbott Laboratories' Motion to Dismiss on Rule 12(B)(1) and 12(B)(6) Grounds and those of the other Defendants which have joined in the motion are DENIED. Preemption is "not to be lightly presumed." California Federal Savings & Loan Association v. Guerra, 479 U.S. 272, 281 (1987). While the Medicare Act does provide for express preemption of certain state laws, 42 USC Section 1395 w-26(b)(3), the entire field is not preempted and Plaintiff's state law claims may proceed. There is room for state law in this area and there is no "actual conflict" between federal and state law because Plaintiff's claims would not make it impossible to comply with both state and federal law as our Court of Appeals found in Hernandez-Gomez v. Volkswagen of America, 201 Ariz. 141, 32 P.3d 424 (App. 2001). The Court finds that this case is closer to Solorzano v. Superior Court, 10 Cal. App. 4th 1135 (1992) than it is to Congress of California Seniors v. Catholic & Healthcare West, 87 Cal. App. 4th 491 (Cal. Ct. App. 2001) because this case deals with marketing efforts directed at Medicare beneficiaries.

This case is not barred by the "Filed Rate" doctrine because the average wholesale price ("AWP") is not a rate statutorily required to be filed with any regulatory agency nor is it the product of any agency's regulatory expertise. Rather, it is a rate set by the Defendants.

Finally, the Court will not abstain from hearing Plaintiff's case because the result of the final decision in this case will not affect federal law including the Medicare Act.

Defendant AstraZeneca Pharmaceuticals, LP's Rule 12(b)(6) Motion to Dismiss and those of the other Defendants which have joined in the motion are DENIED.

The gravamen of Plaintiff's complaint is a conspiracy in which AstraZeneca participated. If it is proven that AstraZeneca was a co-conspirator with TAP and TAP is found liable, then AstraZeneca as a co-conspirator can be held liable. Sheet Metal Workers International Association v. Nichols, 89 Ariz. 187, 194, 360 P.2d 204 (1961).

Because Plaintiff is dealing with an alleged corporate conspiracy, Plaintiff has pled his fraud claims with sufficient particularity to withstand this motion to dismiss.

Plaintiff's claim for Unjust Enrichment against AstraZeneca appears to be relatively weak. On the present state of the record under City of Sierra Vista v. Cochise Enterprises, 144 Ariz. 375, 381, 697 P.2d 1125 (App. 1984) Plaintiff has not shown a connection between Plaintiff's purchase of Lupron and AstraZeneca. However, because all the allegations of Plaintiff's complaint must be taken as true and Plaintiff may develop that connection in his class certification efforts, the Court DENIES the motion as to the Unjust Enrichment claim at this time.

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The Court finds that Plaintiff has sufficiently pled his claims for Civil Conspiracy, Concert of Action and Aiding and Abetting, and that he has properly alleged an Anti-Trust Injury.

TAP Pharmaceutical Products, Inc.'s Motion to Dismiss on Rule 12(b)(6) grounds and those of the other Defendants who have joined in the motion are DENIED for the reasons set forth above.

Defendant Abbott Laboratories' Motion to Dismiss Plaintiff's Amended Complaint pursuant to Rules 12(b)(6) and 9(b) is DENIED because all the allegations of Plaintiff's complaint must be taken as true. Because there is a question of fact as to whether Defendant Abbott Laboratories was involved in the facts which led up to the plea agreement and/or the side letter agreement, the Court cannot grant Abbott's motion at this time.

Defendants Bayer Corporation's and ALZA Corporation's Motion to Stay, or in the Alternative to Dismiss the Amended Complaint and those of the other Defendants who have joined are DENIED. Plaintiff's complaint, which alleges Arizona State law claims, is not barred by the Political Question Doctrine set forth in Baker v. Carr, 369 U.S. 186, 217, 82 S.Ct. 691 (1962). A potential finding that Defendants violated Arizona's Consumer Fraud laws or conspired to and did defraud Arizona residents will not affect the Medicare regulatory scheme. MCI Communications Corp. v. AT & T Co., 708 F.2d 1081 (7th Cir. 1982).

Neither Renck v. Superior Court of Maricopa County, 66 Ariz. 320, 187 P.2d 656 (1947) nor Department of Revenue v. Arthur, 153 Ariz. 1, 734 P.2d 98 (App. 1987) are on point because they involve direct constitutional challenges to the Legislature's law making ability.

Defendants Johnson & Johnson, Ethicon Endo-Surgery & Indigo Medical, Inc.'s Motion to Dismiss is DENIED.

On the face of Defendants' motion the Plaintiff's claim against these Defendants appears to be very weak. However, because the Court must accept the allegations of Plaintiff's complaint as true and paragraphs 49, 50, 51, 52, 60 and 61 allege that Jett, Coleman, Hidalgo and Gendelman were employees of Indigo and/or Johnson & Johnson and were acting in the course and scope of their employment, the Court cannot grant Johnson & Johnson's motion.

The individual TAP Defendants' (Alan Mackenzie, Janice M. Swirski, Henry Van Mourick, Donna Tom, Kimberlee Chase and David Guido) Motion to Dismiss for Lack of Personal Jurisdiction is GRANTED without prejudice.

Plaintiff has the burden of establishing personal jurisdiction over the individual Defendants. Maloof v. Raper Sales, Inc., 113 Ariz. 485, 487, 557 P.2d 522 (1976). Plaintiff has not met his burden. Plaintiff's supposition that the individual Defendants may have attended one meeting at the Scottsdale Princess Resort is just that, a supposition.

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State v. Chan, 188 Ariz. 272, 935 P.2d 850 (App. 1996) upon which Plaintiff relies is based on a criminal statute which expressly conferred criminal jurisdiction over a co-conspirator for a criminal conspiracy. That is not the case in this civil action.

The individual TAP Defendants Motion for a Temporary Stay of Plaintiff's claims against them is DENIED as moot.

Defendants Pharmacia Corporation, Pharmacia & Upjohn, Inc. and Monsanto Company's Motion to Dismiss or in the Alternative for Summary Judgment is DENIED for the reasons set forth in connection with the Court's ruling on Defendants AstraZeneca Pharmaceuticals, Bayer Corporation, and ALZA Corporation's Motions to Dismiss.

The Defendants Pharmacia Corporation, Pharmacia & Upjohn, Inc. and Monsanto Company's Motion for Summary Judgment is DENIED under Rule 56(f) of Civil Procedure.

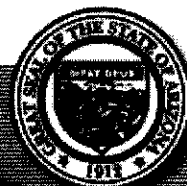
Defendants Pharmacia Corporation, Pharmacia & Upjohn, Inc. and Monsanto Company's Motion to Stay is DENIED. This action involves claims for relief under Arizona law which may proceed independently of the multi-district litigation. No clear case of hardship or inequity outweighs the potential harm to Plaintiff. Landis v. North American Co., 299 U.S. 248, 254-55 (1936). Nor does the Defendant meet any of the six concerns set forth in Tonnemacher v. Touche Ross & Co., 186 Ariz. 125, 130, 920 P.2d 5 (App. 1996). Further, the parties are not identical in the MDL action nor are the claims the same. While the Court appreciates Pharmacia's suggestion that this Court is equipped to handle this action, it disagrees that the MDL Court will provide guidance as to the determination of the issues pending before this Court that will be dispositive. This Court has had considerable experience working with the MDL Court in the Firestone Tire litigation and anticipates no problem working with the MDL Court in this action.

EXHIBIT “B”

case history

Superior Court of Arizona, Maricopa County

Case Information



case history

court calendar

Superior Court

dept. home page

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Case Information			
Case Number	CV2002-004988	Judge	Albrecht
Case Type	Civil		
File Date	3/15/2002	Location	Downtown
Party Information			
Party Name	Rel	Sex	Attorney
(1)Robert J Swanston	Plaintiff	Male	HARRY MILLER
(2)TAP PHARMACEUTICAL PRODUCTS INC	Defendant	None	TIMOTHY BURKE
(3)ABBOTT LABORATORIES	Defendant	None	TIMOTHY BURKE
(4)TAKEDA CHEMICAL INDUSTRIES LTD	Defendant	None	Pro Per
(5)ASTRA ZENECA PLC	Defendant	None	Pro Per
(6)ASTRA ZENECA PHARMACEUTICALS LP	Defendant	None	TIMOTHY BURKE
(7)PHARMACIA CORPORATION	Defendant	None	TIMOTHY BURKE
(8)PHARMACIA & UPJOHN INC	Defendant	None	TIMOTHY BURKE
(9)MONSANTO COMPANY	Defendant	None	TIMOTHY BURKE
(10)JOHNSON & JOHNSON	Defendant	None	MARY PRYOR
(11)ETHICON ENDO-SURGERY INC	Defendant	None	MARY PRYOR
(12)INDIGO LASER CORPORATION	Defendant	None	MARY PRYOR
(13)David Jett	Defendant	Male	Pro Per
(14)Christopher Coleman	Defendant	Male	Pro Per
(15)Scott Hidalgo	Defendant	Male	Pro Per
(16)Amanda Hidalgo	Defendant	Female	Pro Per
(17)Eddy James Hack	Defendant	Male	Pro Per
(18)Kimberlee Chase	Defendant	Female	TIMOTHY BURKE
(19)Janice M Swirski	Defendant	Female	TIMOTHY BURKE
(20)Donna Tom	Defendant	Female	TIMOTHY BURKE
(21)David Guido	Defendant	Male	TIMOTHY BURKE
(22)Henry Van Mourik	Defendant	Male	TIMOTHY BURKE
(23)Alan Mackenzie	Defendant	Male	TIMOTHY BURKE
(24)Stephen McCourt	Defendant	Male	Pro Per
(25)Suzanne Van Mourik	Defendant	Female	Pro Per
(26)Robert E Chase	Defendant	Male	Pro Per
(27)D Scott Wise Pro Hac Vice	Endorsement Case	Male	Pro Per
(28)Kimberley Denise Harris Pro Hac Vice	Endorsement Case	Female	Pro Per
(29)Arthur F Golden Pro Hac Vice	Endorsement Case	Male	Pro Per
(30)Eric David Gill Pro Hac Vice	Endorsement Case	Male	Pro Per
(31)ZENECA INC	Defendant	None	Pro Per
(32)BAYER CORPORATION	Defendant	None	TIMOTHY BURKE
(33)ALZA CORPORATION	Defendant	None	MARY PRYOR
(34)Michael Gendelman	Defendant	Male	Pro Per
(35)Barry R Sanders	Endorsement Case	Male	BARRY SANDERS
(36)David J Stetler Pro Hac Vice	Endorsement Case	Male	Pro Per
(37)Robert L Kirby Pro Hac Vice	Endorsement Case	Male	Pro Per
(38)Robert P Sherman Pro Hac Vice	Endorsement Case	Male	Pro Per
(39)William P Ziegelmueeller Pro Hac	Endorsement Case	Male	Pro Per

(40)Jeremy D Margolis Pro Hac Vice	Endorsement Case	Male	Pro Per
(41)Richard D Raskin Pro Hac Vice	Endorsement Case	Male	Pro Per
(42)Bruce M Zessar Pro Hac Vice	Endorsement Case	Male	Pro Per
(43)David Giardina Pro Hac Vice	Endorsement Case	Male	Pro Per
(44)Kimberley A Dunne Pro Hac Vice	Endorsement Case	Female	Pro Per
(45)Frank J Menetrez Pro Hac Vice	Defendant	Male	Pro Per
(46)Joshua T Buchman Pro Hac Vice	Endorsement Case	Male	Pro Per
(47)Andrew D Schau Pro Hac Vice	Endorsement Case	Male	Pro Per
(48)Marisa L Jaffe Pro Hac Vice	Endorsement Case	Female	Pro Per
(49)John J Tangney Pro Hac Vice	Endorsement Case	Male	Pro Per
(50)Tracy A Miner Pro Hac Vice	Endorsement Case	Female	Pro Per
(52)Kendra L Morrill	Endorsement Case	Female	Pro Per
(53)Beth A Oconnor	Endorsement Case	Female	Pro Per
(54)Scott A Stempel Pro Hac Vice	Endorsement Case	Male	Pro Per
(55)Kieran M Corcoran Pro Hac Vice	Endorsement Case	Unknown	Pro Per
(56)Estella Schoen Pro Hac Vice	Endorsement Case	Female	Pro Per
(57)Adeel A Mangi Pro Hac Vice	Endorsement Case	Female	Pro Per
(68)Scott M Lempert Pro Hac Vice	Endorsement Case	Male	Pro Per
(69)Donald Haviland Pro Hac Vice	Endorsement Case	Male	Pro Per
(70)Terrienne Benedetto Pro Hac Vice	Endorsement Case	Female	Pro Per
(71)Shanin Specter Pro Hac Vice	Endorsement Case	Female	Pro Per
(72)Thomas Kline Pro Hac Vice	Endorsement Case	Male	Pro Per
(73)Centocor Inc	Defendant		Pro Per
(74)Ortho Biotech	Defendant		Pro Per
(75)Wyeth	Defendant		Pro Per
(76)Bayer Corporation	Defendant		Pro Per
(77)Wyeth Pharma Ceuticals	Defendant		Pro Per
(78)Amgen Inc	Defendant		Pro Per
(79)Immunex Corporation	Defendant		Pro Per
(80)Aventis Pharmaceuticals Inc	Defendant		Pro Per
(81)Aventis Behring L L C	Defendant		Pro Per
(82)Hoechst Marion Roussel Inc	Defendant		Pro Per
(83)Baxter International Inc	Defendant		Pro Per
(84)Baxter Healthcare Corporation	Defendant		Pro Per
(85)Boehringer Ingelheim Corporation	Defendant		Pro Per
(86)Ben Venue Laboratories Inc	Defendant		Pro Per
(87)Bedford Laboratories	Defendant		Pro Per
(88)Roxane Laboratories Inc	Defendant		Pro Per
(89)Briston Myers Squibb Company	Defendant		Pro Per
(90)Oncology Therapeutics Network Corporation	Defendant		Pro Per
(91)Apothecon Inc	Defendant		Pro Per
(92)Fujisa Wa Healthcare Inc	Defendant		Pro Per
(93)Fujisawa Usa Inc	Defendant		Pro Per
(94)Glaxosmithkline P L C	Defendant		ROBERT SHELY
(95)Smithkline Beecham Corporation	Defendant		ROBERT SHELY
(96)Glaxo Wellcome Inc	Defendant		Pro Per
(97)Schering Plough Corporation	Defendant		Pro Per
(98)Warrick Pharmaceuticals Corporation	Defendant		Pro Per
(99)Sicor Inc	Defendant		Pro Per
(100)Gensia Sicor Pharma-Ceuticals Inc	Defendant		Pro Per
(101)Dey Inc	Defendant		Pro Per
(102)David Jett	Defendant	Male	Pro Per
(103)Michael Gendelman	Defendant	Male	Pro Per

Case Documents

Filing Date	Description	Docket	Filing Party
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	Date
1/16/2003 RTM - Returned Mail	5/22/2003
1/13/2003 094 - ME: ORAL ARGUMENT SET	1/13/2003
1/10/2003 ANS - Answer	1/16/2003
NOTE: PAID, NOTICE OF APPEARANCE	
1/10/2003 NUS - Notice of Removal to US District Court	5/29/2003
1/10/2003 NOT - Notice	5/14/2003
NOTE: OF REMOVAL	
1/8/2003 RTM - Returned Mail	5/24/2003
1/7/2003 RES - Response	6/25/2003
NOTE: TO DEFENDANTS REQUEST FOR IMMEDIATE PRETRIAL CONFERENCE AND STATUS REPORT TO THE COURT	
1/3/2003 MOT - Motion	5/19/2003
NOTE: FOR PROTECTIVE ORDER	
1/3/2003 NOT - Notice	5/6/2003
NOTE: DEFENDANTS' SUBMISSION OF REVISED FORM OF PROTECTIVE ORDER	
12/30/2002 MOT - Motion	2/4/2003
NOTE: INDIVIDUAL TAP DEFS/ TO ENFORCE PRIOR COURT ORDERS & FOR FEES & COSTS & REQUEST FOR EXPEDITED CONSIDERATION	
12/30/2002 REQ - Request	2/19/2003
NOTE: FOR IMMEDIATE PRETRIAL CONFERENCE TO ADDRESS PROPOSED SECOND AMENDED COMPLAINT SCHEDULING PROTECTIVE ORDER AND RELATED MATTERS	
12/27/2002 RTM - Returned Mail	8/11/2003
12/27/2002 RTM - Returned Mail	5/22/2003
12/20/2002 MOT - Motion	8/9/2003
NOTE: FOR DETERMINATION THAT ACTION MAY PROCEED AS CLASS ACTION	
12/20/2002 MOT - Motion	3/25/2003
NOTE: TO EXCEED PAGE LIMITATION	
12/20/2002 AMC - Amended Complaint/Petition	1/9/2003
NOTE: SECOND	
12/10/2002 029 - ME: Status Conference	12/10/2002
12/6/2002 028 - ME: Status Conference Set	12/6/2002
12/2/2002 NOT - Notice	2/5/2003
NOTE: DEFENDANTS' CASE MANAGEMENT AND SCHEDULING PROPOSAL	
11/27/2002 019 - ME: Ruling	11/27/2002
11/26/2002 020 - ME: Matter Under Advisement	11/26/2002
11/25/2002 NOT - Notice	4/15/2003
NOTE: LODGING EXHIBITS	
11/25/2002 NTF - Notice Regarding Exhibits	4/15/2003
11/21/2002 NOT - Notice	4/30/2003
NOTE: OF DEFENDANT'S AGENDA FOR HEARING ON NOVEMBER 22, 2002	
11/21/2002 RES - Response	5/7/2003
NOTE: TO NOTICE OF DEFENDANTS' AGENDA FOR HEARING ON NOVEMBER 22, 2002	
11/21/2002 REL - Reply	5/7/2003
NOTE: IN SUPPORT OF PLAINTIFF'S MOTION FOR CONTINUANCE OF DEFENDANTS PHARMCIA CORPORATION, PHARMACIA & UPJOHN INC AND MONSANTO COMPANY'S MOTION FOR SUMMARY JUDGMENT IN THE ALTERNATIVE TO ARIZONA RULE OF CIVIL PROCEDURE 56(F)	
11/15/2002 NOT - Notice	4/24/2003
NOTE: OF MOOTNESS OF MOTION TO DISMISS JANE DOE VAN MOURIK	
11/12/2002 REL - Reply	5/24/2003
NOTE: MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS	
11/12/2002 REL - Reply	5/30/2003
NOTE: MEMORANDUM IN SUPPORT OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION	
11/12/2002 REL - Reply	5/30/2003
NOTE: TO MEMORANDUM IN OPPOSITION TO INDIVIDUAL TAP DEFENDANTS' MOTION FOR A TEMPORARY STAY OF CLAIMS AGAINST THEM	
11/12/2002 MEM - Memorandum	5/31/2003

NOTE: REPLY/ IN FURTHER SUPPORT OF ITS MOTION TO DISMISS

11/12/2002 MEM - Memorandum 5/31/2003
NOTE: REPLY/ IN SUPPORT OF THEIR MOTION TO STAY OR IN THE ALTERNATIVE DISMISS THE AMENDED COMPLAINT ON POLITICAL QUESTION GROUNDS

11/12/2002 ANS - Answer 11/21/2002
NOTE: REPLY IN SUPPORT OF MOTION TO DISMISS/ PAID

11/12/2002 REL - Reply 2/4/2003
NOTE: ABBOTT LABORATORIES/IN SUPPORT OF ITS MOTION TO DISMISS PLAINTIFFS COMPLAINT

11/12/2002 REL - Reply 2/4/2003
NOTE: ABBOTT LABORATORIES/IN SUPPORT OF ITS MOTION TO DISMISS ON RULE GROUNDS

11/12/2002 REL - Reply 3/5/2003
NOTE: IN SUPPORT OF MOTION TO STAY

11/12/2002 REL - Reply 3/5/2003
NOTE: IN SUPPORT OF MOTION TO DISMISS OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT

11/12/2002 RES - Response 3/5/2003
NOTE: TO MOTION FOR CONTINUANCE OF MOTION FOR SUMMARY JUDGMENT

11/12/2002 NOT - Notice 3/5/2003
NOTE: OF JOINDER

11/12/2002 REL - Reply 3/5/2003
NOTE: MEMORANDUM IN SUPPORT OF MOTION TO DISMISS ON RULE 12(b)(6) GROUNDS

11/4/2002 ODI - ORDER OF DISMISSAL 4/8/2003
NOTE: JANE DOE VANMOURIK

10/30/2002 WSS - Waiver of Service of Summons 11/7/2002
NOTE: ROBERT J SWANSTON SERVED 10/16/02

10/29/2002 STD - Stipulation To/For Dismissal 4/2/2003
NOTE: JANE DOE VAN MOURIK

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: OF OPPOSITION TO DEFENDANT BAYER CORPORATION AND ALZA CORPORATION'S MOTION TO STAY OR IN THE ALTERNATIVE TO DISMISS THE AMENDED COMPLAINT

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: IN OPPOSITION TO DEFENDANT ABBOTT LABORATORIES' MOTION TO DISMISS ON RULE 12(B)(1) AND 12(B)(6) GROUNDS

10/22/2002 SOF - Statement of Facts 5/7/2003
NOTE: MASTER/AND MEMORANDUM IN OPPOSITION TO TAP PHARMACEUTICAL PRODUCTS INCS MOTION TO DISMISS

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: IN OPPOSITION TO DEFENDANTS JOHNSON & JOHNSON, ETHICON ENDO-SURGERY, & INDIGO MEDICAL INC'S MOTION TO DISMISS

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: IN OPPOSITION TO DEFENDANT PHARMACIA CORPORATION'S, PHARMACIA & UPJOHN INC'S AND MONSANTO COMPANY'S MOTION TO STAY

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: IN OPPOSITION TO INDIVIDUAL TAP DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

10/22/2002 MEM - Memorandum 5/7/2003
NOTE: IN OPPOSITION TO ABBOTT LABORATORIES' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

10/22/2002 NOT - Notice 5/9/2003
NOTE: MASTER EXHIBITS OF PLAINTIFF ROBEERT J SWANSTON IN SUPPORT OF MEMORANDA IN OPPOSITION TO MOTIONS TO DISMISS THE COMPLAINT AND MOTIONS TO STAY OF DISMISS FILED BY ALL DEFENDANTS VOLUME I OF II

10/22/2002 MCO - Motion to Continue 3/4/2003
NOTE: DEFENDANTS' MOTION IN THE LATERNATIVE FOR SUMMARY JUDGMENT PURSUANT TO ARIZONA RULE OF CIVIL PROCEDURE 56(f)

10/22/2002 AFF - Affidavit 3/4/2003
NOTE: OF DONALD HAVILAND, JR. IN SUPPORT OF MOTION RULE 56(f) CONTINUANCE

10/22/2002 NOF - NOTICE OF FILING 3/4/2003

	NOTE: RESPONSE BRIEFS	
10/22/2002	NOT - Notice	2/5/2003
	NOTE: OF SERVICE	
10/22/2002	MEM - Memorandum	2/5/2003
	NOTE: IN OPPOSITION TO DEFENDANT ASTRAZENECA PHARMACEUTICALS L.P.'S MOTION TO DISMISS	
10/22/2002	MEM - Memorandum	2/5/2003
	NOTE: IN OPPOSITION TO INDIVIDUAL TAP DEFENDANTS' MOTION FOR A TEMPORARY STAY OF PLAINTIFF'S CLAIMS AGAINST THEM	
10/22/2002	MEM - Memorandum	2/5/2003
	NOTE: IN OPPOSITION TO DEFENDANTS PHARMACIA CORPORATION, PHARMACIA & UPJOHN, INC. AND MONSANTO COMPANY'S MOTION TO DISMISS OR, IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT	
10/3/2002	NOH - NOTICE OF HEARING	2/20/2003
9/24/2002	ORD - Order	11/4/2002
	NOTE: TO APPEAR PRO HAC VICE SCOTT M LEMPET	
9/23/2002	ORD - Order	11/5/2002
	NOTE: TO APPEAR PRO HAC VICE DONALD HAVILAND JR	
9/23/2002	ORD - Order	11/5/2002
	NOTE: TO APPEAR PRO HAC VICE TERRIANNE BENEDETTO	
9/23/2002	ORD - Order	11/5/2002
	NOTE: TO APPEAR PRO HAC VICE SHANIN SPECTER	
9/23/2002	ORD - Order	11/5/2002
	NOTE: TO APPEAR PRO HAC VICE THOMAS KLINE	
9/18/2002	MTD - Motion to Dismiss	11/20/2002
	NOTE: TO JANE DOE VAN MOURIK	
9/12/2002	ODI - ORDER OF DISMISSAL	11/18/2002
	NOTE: CERTAIN SPOUSE DEFENDANTS	
9/12/2002	ORD - Order	9/17/2002
	NOTE: SCOTT A STEMPEL TO APPEAR PRO HAC VICE	
9/12/2002	ORD - Order	9/17/2002
	NOTE: GRANTING APPLICATION OF ATTORNEYS KIERAN N CORCORAN ESTELLA SCHOEN & ADEEL A MANGI TO APPEAR PRO HAC VICE	
9/10/2002	ORD - Order	9/13/2002
	NOTE: TO APPEAR PRO HAC VICE	
9/10/2002	ORD - Order	9/13/2002
	NOTE: TO APPEAR POR HAC VICE	
9/10/2002	ORD - Order	9/18/2002
	NOTE: TO APPEAR PRO HAC VICE; MARK P ROTATORI	
9/10/2002	ORD - Order	9/18/2002
	NOTE: TO APPEAR PRO HAC VICE; DANIEL E REIDY	
9/10/2002	ORD - Order	9/18/2002
	NOTE: TO APPEAR PRO HAC VICE; LEE ANN RUSSO	
9/10/2002	ORD - Order	9/18/2002
	NOTE: TO APPEAR PRO HAC VICE; MORGAN R HIRST	
9/6/2002	ANS - Answer	9/23/2002
	NOTE: PAID, MOTION TO STAY OR IN THE ALTERNATIVE, TO DISMISS THE AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION TO DISMISS BASED ON THE POLITICAL QUESTION DOCTRINE	
9/6/2002	MOT - Motion	11/8/2002
	NOTE: TO STAY	
9/6/2002	MTD - Motion to Dismiss	11/6/2002
	NOTE: AND JOINDER IN VARIOUS CO-DEFENDANTS MOTIONS	
9/6/2002	MOT - Motion	3/4/2003
	NOTE: TO DISMISS PLAINTIFF'S AMENDED COMPLAINT	
9/6/2002	MTD - Motion to Dismiss	11/9/2002
	NOTE: AND SUPPORTING MEMORANDUM	
9/6/2002	MTD - Motion to Dismiss	11/9/2002

NOTE: TAP PHARMCEUTICAL PRODUCTS INC'S-ON RULE 12(b)(6) GROUNDS AND SUPPORTING MEMORANDUM OF LAW			
9/6/2002	NOT - Notice	11/9/2002	
NOTE: OF JOINDER			
9/6/2002	MTD - Motion to Dismiss	11/9/2002	
NOTE: JOINDER OF DEFENDANT ASTRA ZENECA PHARMACEUTICALS LP IN VARIOUS			
9/6/2002	MTD - Motion to Dismiss	11/9/2002	
NOTE: INDIVIDUAL TAP DEFENDANTS-FOR LACK OF PERSONAL JURISDICTION			
9/6/2002	MTD - Motion to Dismiss	11/9/2002	
NOTE: JOINDER OF INDIVIDUAL TPA DEFENDANTS-PURSUANT TO ARIZ R CIV P 12(b) AND 9(b)			
9/6/2002	MOT - Motion	11/9/2002	
NOTE: INDIVIDUAL TAP DEFENDANTS-FOR TEMPORARY STAY OF PLAINTIFFS CLAIMS AGAINST THEM			
9/6/2002	SFD - STIPULATION FOR DISMISSAL	11/9/2002	
NOTE: CERTAIN SPOUSE DEFENDANTS			
9/6/2002	MTD - Motion to Dismiss	11/9/2002	
NOTE: OR IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT			
9/6/2002	SOF - Statement of Facts	11/9/2002	
NOTE: SEPARATE-IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT			
9/6/2002	NOT - Notice	11/9/2002	
NOTE: APPENDIX OF EXHIBITS TO DEFENDANTS BAYER CORPORATION AND ALZA CORPORATIONS MOTION TO STAY OR IN THE ALTERNATIVE TO DISMISS THE AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT OF MOTION TO DISMISS BASED ON THE POLITICAL QUESTION DOCTRINE			
9/5/2002	ORD - Order	9/18/2002	Defendant(22)
NOTE: TO APPEAR PRO HAC VICE;ROBERT L ULLMANN			
9/5/2002	ORD - Order	9/18/2002	Defendant(22)
NOTE: TO APPEAR PRO HAC VICE;ELIZABETH M HARVEY			
9/5/2002	ORD - Order	9/18/2002	Defendant(18)
NOTE: TO APPEAR PRO HAC VICE;THOMAS M DURKIN			
9/5/2002	ORD - Order	9/18/2002	Defendant(18)
NOTE: TO APPEAR PRO HAC VICE;SHEILA FINNEGAN			
9/4/2002	019 - ME: Ruling	9/4/2002	
9/3/2002	ORD - Order	9/18/2002	Defendant(7)
NOTE: PERMITTING JOHN C DODDS TO APPEAR PRO HAC VICE			
9/3/2002	ORD - Order	9/18/2002	
NOTE: TO APPEAR PRO HAC VICE;BRYAN L CLOBES			
8/29/2002	APL - Application	11/4/2002	
NOTE: TO APPEAR PRO HAC VICE OF BRYAN L CLOBES			
8/29/2002	APL - Application	11/4/2002	
NOTE: FOR ADMISSION PRO HAC VICE OF TERRIANNE BENEDETTO			
8/29/2002	APL - Application	11/4/2002	
NOTE: FOR ADMISSION PRO HAC VICE OF SCOTT M LEMPert			
8/29/2002	APL - Application	11/4/2002	
NOTE: FOR ADMISSION PRO HAC VICE OF DONALD E HAVILAND JR			
8/29/2002	APL - Application	11/4/2002	
NOTE: FOR ADMISSION PRO HAC VICE OF SHANIN SPECTER			
8/29/2002	APL - Application	11/4/2002	
NOTE: FOR ADMISSION PRO HAC VICE OF THOMAS R KLINE			
8/29/2002	NOT - Notice	11/20/2002	
NOTE: EXPEDITED REQUEST FOR PERMISSION TO FILE OVERSIZED BRIEFS			
8/28/2002	APL - Application	11/4/2002	
NOTE: OF MORGAN R HIRST TO APPEAR PRO HAC VICE AND ORDER			
8/28/2002	APL - Application	11/4/2002	
NOTE: OF LEE ANN RUSSO TO APPEAR PRO HAC VICE AND ORDER			
8/28/2002	APL - Application	11/4/2002	
NOTE: OF BETH A O'CONNOR TO APPEAR PRO HAC VICE AND ORDER			
8/28/2002	APL - Application	11/4/2002	

NOTE: OF MARK P PROTATORI TO APPEAR PRO HAC VICE AND ORDER			
8/28/2002	APL - Application	11/4/2002	
NOTE: OF DANIEL E REIDY TO APPEAR PRO HAC VICE AND ORDER			
8/28/2002	APL - Application	11/4/2002	
NOTE: OF KENDRA L MORRILL TO APPEAR PRO HAC VICE AND ORDER			
8/27/2002	ORD - Order	8/30/2002	Endorsement Case(50)
NOTE: TO APPEAR PRO HAC VICE: TRACY A MINER			
8/27/2002	ORD - Order	8/30/2002	Endorsement Case(49)
NOTE: TO APPEAR PRO HAC VICE: JOHN J TANGNEY JR			
8/26/2002	APL - Application	11/9/2002	
NOTE: ATTORNEYS KIERAN M CORCORAN, ESTELLA SCHOEN & ADEEL A MANGI TO APPEAR PRO HAC VICE			
8/23/2002	APL - Application	11/6/2002	
NOTE: FOR ADMISSION PRO HAC VIC FOR ATTORNEY SCOTT A STEMPEL			
8/20/2002	311 - ME: 150 DAY MINUTE ENTRY	8/20/2002	
8/20/2002	ORD - Order	9/17/2002	Defendant(20)
NOTE: TO APPEAR PRO HAC VICE: MARISA L JAFFEE			
8/19/2002	NOT - Notice	11/5/2002	
NOTE: OF SERVICE OF ATTORNEY GENERAL			
8/15/2002	APL - Application	11/18/2002	
NOTE: TO APPEAR PRO HAC VICE OF TRACY A MINER			
8/15/2002	APL - Application	11/8/2002	
NOTE: TO APPEAR PRO HAC VICE OF SHEILA FINNEGAN			
8/15/2002	APL - Application	11/8/2002	
NOTE: TO APPEAR PRO HAC VICE OF THOMAS M DURKIN			
8/15/2002	APL - Application	11/8/2002	
NOTE: TO APPEAR PRO HAC VICE OF ROBERT L ULLMANN			
8/15/2002	APL - Application	11/8/2002	
NOTE: TO APPEAR PRO HAC VICE OF ELIZABETH M HARVEY			
8/15/2002	APL - Application	11/8/2002	
NOTE: TO APPEAR PRO HAC VICE OF JOHN J TANGLEY JR			
8/12/2002	ORD - Order	8/20/2002	
NOTE: TO APPEAR PRO HAC VICE JOSHUA T BUCHMAN			
8/12/2002	ORD - Order	8/20/2002	Plaintiff(1)
NOTE: GRANTING APPLICATION TO APPEAR PRO HAC VICE			
8/6/2002	APL - Application	10/28/2002	
NOTE: TO APPEAR PRO HAC VICE			
8/6/2002	019 - ME: Ruling	8/6/2002	
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE DAVID J STETLER			
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE ROBERT L KIRBY JR			
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE ROBERT P SHERMAN			
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE WILLIAM P ZIEGELMUELLER			
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE MARK A FLESSNER			
8/6/2002	ORD - Order	8/20/2002	Defendant(2)
NOTE: TO APPEAR PRO HAC VICE JEREMY D MARGOLIS			
8/6/2002	ORD - Order	8/20/2002	Defendant(3)
NOTE: TO APPEAR PRO HAC VICE RICHARD D RASKIN			
8/6/2002	ORD - Order	8/20/2002	Defendant(3)
NOTE: TO APPEAR PRO HAC VICE BRUCE M ZESSAR			
8/6/2002	ORD - Order	8/20/2002	Defendant(3)

NOTE: TO APPEAR PRO HAC VICE DAVID GIARDINA		
8/6/2002	ORD - Order	8/20/2002 Defendant(3)
NOTE: TO APPEAR PRO HAC VICE KIMBERLY A DUNNE		
8/6/2002	ORD - Order	8/20/2002 Defendant(3)
NOTE: TO APPEAR PRO HAC VICE FRANK J MENETREZ		
8/5/2002	021 - ME: Nunc Pro Tunc Order	8/5/2002
8/2/2002	ORD - Order	8/21/2002 Defendant(2)
NOTE: TO APPEAR PRO HAC VICE - MARISA L JAFFE		
8/2/2002	APL - Application	10/28/2002
NOTE: OF ATTORNEYS WILLIAM F CAVANAUGH JR & ANDREW D SCHAU TO APPEAR PRO HAC VICE		
8/1/2002	APL - Application	10/22/2002
NOTE: TO APPEAR PRO HAC VICE OR ELIZABETH M HARVEY		
8/1/2002	APL - Application	10/22/2002
NOTE: TO APPEAR PRO HAC VICE ROBERT L ULLMANN		
8/1/2002	027 - ME: Pretrial Conference	8/1/2002
7/29/2002	ORD - Order	10/25/2002
NOTE: FOR EXTENSION OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT		
7/29/2002	APL - Application	10/21/2002
NOTE: TO APPEAR PRO HAC VICE OF KIMBERLY A DUNNE		
7/29/2002	APL - Application	10/21/2002
NOTE: TO APPEAR PRO HAC VICE OF DAVID C GIARDINA		
7/29/2002	APL - Application	10/21/2002
NOTE: TO APPEAR PRO HAC VICE OF BRUCE M ZESSAR		
7/29/2002	APL - Application	10/21/2002
NOTE: TO APPEAR PRO HAC VICE OF RICHARD D RASKIN		
7/29/2002	APL - Application	10/21/2002
NOTE: TO APPEAR PRO HAC VICE OF FRANK J MENETHREZ		
7/26/2002	STP - Stipulation	10/17/2002
NOTE: FOR EXTENSION OF TIME TO RESPOND TO FIRST AMENDED COMPLAINT		
7/26/2002	APL - Application	10/18/2002
NOTE: TO APPEAR PRO HAC VICE OF ROBERT L KIRBY JR		
7/26/2002	APL - Application	10/18/2002
NOTE: TO APPEAR PRO HAC VICE OF ROBERT P SHERMAN		
7/26/2002	APL - Application	10/18/2002
NOTE: TO APPEAR PRO HAC VICE OF DAVID J STETLER		
7/26/2002	APL - Application	10/18/2002
NOTE: TO APPEAR PRO HAC VICE OF MARK A FLESSNER		
7/26/2002	ANS - Answer	7/30/2002 Defendant(2)
NOTE: APPLICATION TO APPEAR PRO HAC VICE OF MARISA L JAFFE		
7/26/2002	ANS - Answer	7/30/2002 Defendant(2)
NOTE: APPLICATION TO APPEAR PRO HAC VICE OF WILLIAM P ZIEGELMUELLER		
7/26/2002	ANS - Answer	7/30/2002 Defendant(2)
NOTE: APPLICATION TO APPEAR PRO HAC VICE OF JEREMY D MARGOLIS		
7/24/2002	ANS - Answer	7/26/2002 Defendant(2)
NOTE: P32 PD;REQUEST FOR PRELIMINARY RULE 16(B) COMPREHENSIVE PRETRIAL CONFERENCE		
7/24/2002	NOH - NOTICE OF HEARING	10/16/2002
6/28/2002	AMC - Amended Complaint/Petition	7/3/2002 Plaintiff(1)
NOTE: FIRST/		
5/29/2002	ORD - Order	6/4/2002 Defendant(5)
NOTE: PERMITTING APPEARANCE PRO HAC VICE FOR D SCOTT WISE		
5/29/2002	ORD - Order	6/4/2002 Defendant(5)
NOTE: PERMITTING APPEARANCE PRO HAC VICE FOR KIMBERLEY DENISE HARRIS		
5/29/2002	ORD - Order	6/4/2002 Defendant(5)
NOTE: PERMITTING APPEARANCE PRO HAC VICE FOR ARTHUR F GOLDEN		
5/29/2002	ORD - Order	6/4/2002 Defendant(5)

NOTE: PERMITTING APPEARANCE PRO HAC VICE FOR ERIC DAVID GILL		
5/29/2002	APL - Application	7/8/2002 Defendant(2)
NOTE: BY KIMBERLEY DENISE HARRIS FOR ADMISSION PRO HAC VICE		
5/29/2002	APL - Application	7/8/2002 Defendant(2)
NOTE: FOR ADMISSION TO PRACTICE PRO HAC VICE		
5/29/2002	APL - Application	7/8/2002 Defendant(3)
NOTE: FOR ADMISSION TO PRACTICE PRO HAC VICE		
5/29/2002	APL - Application	7/8/2002 Defendant(2)
NOTE: FOR ADMISSION TO PRACTICE PRO HAC VICE		
5/8/2002	066 - ME: Case Reassigned	5/8/2002
5/8/2002	WSS - Waiver of Service of Summons	5/20/2002 Plaintiff(1)
NOTE: P2 SERVED 5-3-2002		
5/6/2002	088 - ME: Case Transferred	5/6/2002
5/1/2002	AFS - Affidavit of Service	5/6/2002 Plaintiff(1)
NOTE: P18 SERVED 4-18-02		
5/1/2002	AFS - Affidavit of Service	5/6/2002 Plaintiff(1)
NOTE: P26 SERVED 4-22-02		
4/29/2002	WSS - Waiver of Service of Summons	5/2/2002
NOTE: P21 SERVED 04-20-02		
4/29/2002	WSS - Waiver of Service of Summons	5/2/2002
NOTE: P3 SERVED 04-25-02		
4/24/2002	WSS - Waiver of Service of Summons	4/25/2002 Plaintiff(1)
NOTE: JANE DOE MACKENZIE SERVED 4-19-2002		
4/24/2002	WSS - Waiver of Service of Summons	4/25/2002 Plaintiff(1)
NOTE: P20 SERVED 4-17-2002		
4/24/2002	WSS - Waiver of Service of Summons	4/25/2002 Plaintiff(1)
NOTE: P23 SERVED 4-19-2002		
4/23/2002	WSS - Waiver of Service of Summons	4/25/2002 Plaintiff(1)
NOTE: P19,24 SERVED 4-18-2002		
4/23/2002	WSS - Waiver of Service of Summons	4/25/2002 Plaintiff(1)
NOTE: P22,25 SERVED 4-19-2002		
4/19/2002	WSS - Waiver of Service of Summons	4/24/2002 Plaintiff(1)
NOTE: P6 SERVED 4-17-2002		
4/18/2002	WSS - Waiver of Service of Summons	4/22/2002 Plaintiff(1)
NOTE: P15 SERVED 4-9-2002		
4/15/2002	WSS - Waiver of Service of Summons	4/23/2002 Plaintiff(1)
NOTE: BY ATTORNEY JOHN C DODDS		
4/3/2002	WSS - Waiver of Service of Summons	4/5/2002
NOTE: P13 AND JANE DOE JETT SERVED 3-26-2002		
4/2/2002	WSS - Waiver of Service of Summons	4/4/2002 Plaintiff(1)
NOTE: P14 SERVED 3-28-2002		
4/2/2002	WSS - Waiver of Service of Summons	4/4/2002 Plaintiff(1)
NOTE: P17 SERVED 3-27-2002		
3/15/2002	COM - Complaint/Petition	3/19/2002 Plaintiff(1)

Case Calendar

Date	Time	Event
7/30/2002	9:15	Oral Argument
8/26/2002	8:00	Appl for Appr Pro Hac Vice
8/27/2002	8:00	Appl for Appr Pro Hac Vice
8/27/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice

8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
8/30/2002	8:00	Appl for Appr Pro Hac Vice
11/22/2002	13:30	Oral Argument
11/22/2002	13:30	Motion to Dismiss
12/3/2002	16:30	Pre-Trial Conference
12/9/2002	9:00	Status Conference
1/31/2003	13:30	Pre-Trial Conference
Judgments		
There are no judgments on file		

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456
Civil Action: 01-CV-12257-PBS
Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

ROBERT J. SWANSTON, individually and on behalf
of himself and all others similarly situated,

Plaintiff,

v.

TAP PHARMACEUTICAL PRODUCTS, INC., et al.

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on this date, September 30, 2003, a true and correct copy of the foregoing Plaintiff, Robert J. Swanston's Supplemental Memorandum in Support of Motion for Remand, was served on the following counsel, via United States first class mail.

PANEL SERVICE LIST (Excerpted from CTO-7); Docket No. 1456

In re Pharmaceutical Industry Average Wholesale Price Litigation

Swanston v. TAP Pharmaceutical Products, Inc., et al.; C.A. No.: 2:03-62

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